

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

RETSEL CORPORATION,
d/b/a GRANT GATEWAY HOTEL
and d/b/a CHEERS SPORTS
LOUNGE AND CASINO,
CONNIE UHRE, and
NICHOLAS UHRE,

Defendants.

Case No. 5:22-cv-05086-LLP

**JOINT MOTION TO CONSOLIDATE
FOR PURPOSES OF DISCOVERY**

Plaintiff United States of America and Defendants Retsel Corporation, d/b/a Grand Gateway Hotel and d/b/a Cheers Sports Lounge and Casino (Retsel), Connie Uhre, and Nicholas Uhre, jointly move under Federal Rule of Civil Procedure 42(a) to request that this case be consolidated with, *NDN Collective v. Retsel Corp.*, No. 5:22-cv-05027, for purposes of discovery only.¹ For the reasons stated below, the parties agree that efficiencies in the discovery process support consolidation of the actions for the purposes of discovery.

1. In the related case, which was filed first, the Private Plaintiffs—the NDN Collective, Sunny Red Bear, and George Bettleyoun—allege that Defendants discriminated against Plaintiffs and putative class members based on their status as Native Americans in violation of 42 U.S.C. § 1981. *NDN Collective v. Retsel Corp.*, No. 5:22-cv-05027 (D.S.D. Aug. 3, 2022), Docket 17, at ¶¶ 1–5 [hereinafter “Private Compl.”].

2. In this case, the United States alleges that the same Defendants implemented

¹ The parties reserve the right to request consolidation of the cases for other purposes, if appropriate.

racially discriminatory policies and practices against Native American customers in violation of Title II of the Civil Rights Act of 1964, 42 U.S.C. § 2000a. Docket 1, at ¶¶ 1–2 [hereinafter “U.S. Compl.”].

3. In both cases, Defendants deny that any policy to exclude Native American guests was implemented and deny that Native Americans were denied services based on race. Docket 10, at ¶¶ 36–37; *NDN Collective v. Retsel Corp.*, No. 5:22-cv-05027 (D.S.D. Aug. 17, 2022), Docket 18, at ¶¶ 138–39.

4. Both cases involve the same property at which the alleged violations occurred. Both the Private Plaintiffs and the United States allege that the discriminatory acts occurred at businesses that Defendants own and operate in Rapid City, South Dakota—namely, a hotel and sports bar named the “Grand Gateway Hotel” and “Cheers Sports Lounge and Casino,” respectively. Private Compl. at ¶¶ 1–2; U.S. Compl. at ¶ 2.

5. On information and belief, both cases are likely to have commonality in the witnesses that are expected to be called to testify in depositions.

6. On information and belief, both cases are likely to have overlap in the documents that are likely to be the subject of written discovery.

7. Because of commonality in the nature of the discovery that is likely to be involved in the cases, the Parties agree that consolidation, for the purposes of discovery, is appropriate.

For all these reasons, the Court should issue an order that the two cases be consolidated. A proposed Order is attached.

Dated: December 28, 2022

Respectfully submitted,

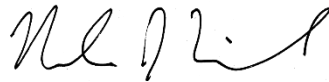
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